

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LAURA POWERS, on behalf of herself and
all others similarly situated; NICHOLE
PALMER, and JASON PALMER,

Plaintiffs,

vs.

CREDIT MANAGEMENT SERVICES,
INC., DANA K. FRIES, TESSA
HERMANSON, JESSICA L. V.
PISKORSKI, BRADY W. KEITH, MICHAEL
J. MORLEDGE,

Defendants.

8:11CV436

ORDER

This matter is before the court on its own motion. The Eighth Circuit Court of Appeals ("Eighth Circuit") has permitted an appeal of the court's order granting class action certification. See Filing No. [155](#). Under Fed. R. Civ. P. 23(f), an appeal does not stay proceedings in the district court unless the district judge or the court of appeals so orders. Fed. R. Civ. P. 23(f). The court is advised that at a scheduling conference before Magistrate Judge Thalken on July 31, 2013, the parties agreed that the action should be stayed until the Eighth Circuit rules on the defendants' interlocutory appeal. See Filing No. 154 (text order).

Several motions are presently pending: defendants Keith's and Morledge's motion for summary judgment, Filing No. [72](#), defendant Credit Management Services' motion for summary judgment, Filing No. [108](#), plaintiffs' motions for partial summary judgment, Filing Nos. [116](#) and [130](#), and defendants' objection to certain evidence, Filing No. [146](#). For docket control purposes, those motions will be denied as moot pending resolution of the appeal, without prejudice to reassertion. After the appeal is resolved,

the parties may reassert the motions by filing a pleading so stating. The parties need not refile the motions, supporting evidence, or briefs. Accordingly,

IT IS HEREBY ORDERED that:

1. This action is stayed pending resolution of the defendants' appeal.
2. The parties' motions for summary judgment (Filing Nos. [72](#) and [108](#)), partial summary judgment (Filing Nos. [116](#) and [130](#)), and defendants' objection (Filing No. [146](#)) are denied as moot, without prejudice to reassertion upon resolution of the appeal.

DATED this 27th day of August, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge